

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONNIE MONEY COLEMAN,

Plaintiff,

v.

DENNIS HOMAN, *et al.*,

Defendants.

Case No. 3:19-cv-00754-ART-CLB

ORDER

Pro se Plaintiff Ronnie Money Coleman brings this action under 42 U.S.C. § 1983. Before the Court are: (1) the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Baldwin (ECF No. 48), recommending that both Defendants’ motion for summary judgment (ECF No. 35) and Coleman’s cross-motion for summary judgment (ECF No. 39) be denied; (2) Coleman’s motion for court to proceed (ECF No. 50); and (3) Coleman’s motion for recusal of judge (ECF No. 51). The parties had until July 8, 2022 to file an objection to the R&R. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will deny Defendants’ motion for summary judgment (ECF No. 35) and Coleman’s cross-motion for summary judgment (ECF No. 39). The Court also denies Coleman’s motion for court to proceed as moot (ECF No. 50) and denies Coleman’s motion for recusal of judge (ECF No. 51).

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the

1 magistrate judges' findings and recommendations is required if, but *only* if, one
2 or both parties file objections to the findings and recommendations.") (emphasis
3 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that
4 the Court "need only satisfy itself that there is no clear error on the face of the
5 record in order to accept the recommendation.").

6 Because there is no objection, the Court need not conduct de novo review,
7 and is satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin
8 recommends denial of both Defendants' motion for summary judgment and
9 Coleman's cross-motion for summary judgment because there are genuine issues
10 of material fact that preclude summary judgment. (ECF No. 48 at 9.) Specifically,
11 Judge Baldwin stated that there were genuine issues of material fact as to
12 whether Coleman's placement in Unit 3 was an atypical and significant hardship
13 that would entitle Coleman to certain due process rights and as to whether those
14 due process rights were violated. (*Id.*) The Court agrees with Judge Baldwin.
15 Having reviewed the R&R and the record in this case, the Court will adopt the
16 R&R in full.

17 Regarding Coleman's motion for court to proceed, the Court understands
18 that is frustrating to await a decision from the Court, especially under conditions
19 of incarceration. However, there are a large number of civil actions pending before
20 the Court. This order advances this case toward trial. Coleman's motion for court
21 to proceed (ECF No. 50) is denied as moot.

22 Regarding Coleman's motion for recusal of judge, Coleman has not
23 provided any argument or evidence as to personal bias or prejudice on the part
24 of Judge Traum, nor any other reason for disqualification such as a conflict of
25 interest or personal knowledge of disputed evidentiary facts. See 28 U.S.C. § 455.
26 Coleman's motion for recusal of judge is therefore denied.

27 It is therefore ordered that Judge Baldwin's Report and Recommendation
28 (ECF No. 48) is accepted and adopted in full.

1 It is further ordered that Defendants' motion for summary judgment (ECF
2 No. 35) is denied.

3 It is further ordered that Coleman's cross-motion for summary judgment
4 (ECF No. 39) is denied.

5 It is further ordered that Coleman's motion for court to proceed (ECF No.
6 50) is denied.

7 It is further ordered that Coleman's motion for recusal of judge (ECF No.
8 51) is denied.

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11 DATED THIS 24th day of October 2022.

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15 ANNE R. TRAUM
16 UNITED STATES DISTRICT JUDGE
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